

REMARKS

Claims 5, 7-11, 13, 15-18, 20-25, 27, 28 and 32-36 are currently pending and under examination in the present application. Claims 1-4, 6, 29, 31 and 37-41 have been withdrawn. Claims 5, 7-28, and 32-36 have been rejected. Claims 12, 30 and 42-48 have been cancelled. Claims 14, 19 and 26 are cancelled in the present amendment. Claims 5, 18, 22 and 32 are amended herein and are therefore under examination pending entry of the present amendment.

Amendments to the Claims and Support Therefor

Claim 5 has been amended to recite that each of the multiple linked individual units comprises a bridging component selected from the group consisting of a transition element, an inner transition element, a neighbor element of said transition element and a mixture of any of the foregoing elements, and a complexing component comprising N-(2,6-diisopropylphenylcarbamoylmethyl) iminodiacetic acid. Support for each of the multiple linked individual units comprising a bridging component and a complexing component is found on page 25, lines 14-15 of the specification where it is stated that: "Simple multiples of this structure are shown in Figure 4 and are supported by the data depicted in Figure 5 generated by mass spectroscopy analysis." In Figure 5, the mass spectra of the complex comprising the bridging component, chromium, and the complexing component N-(2,6-diisopropylphenyl carbamoyl methyl)iminodiacetic acid indicates that individual units are linked together. Figure 4 depicts a graphical representation of the mass spectra where the individual units are linked together.

Claim 5 has also been amended to specify that the complexing component comprises N-(2,6-diisopropylphenylcarbamoylmethyl) iminodiacetic acid. Support for the complexing component comprising N-(2,6-diisopropylphenylcarbamoylmethyl) iminodiacetic acid is found in the specification on pg. 8, ln 20 and in original claim 14.

Claim 18 has been amended to recite that each of the multiple linked individual units comprises a bridging component selected from the group consisting of a transition element, an inner transition element, a neighbor element of said transition element and a mixture of any of the foregoing elements, and a complexing component comprising N-(2,6-

diisopropylphenylcarbamoymethyl) iminodiacetic acid. Support for these amendments is identical to that recited for claim 5.

Claim 22 has been amended to recite that the complexing component comprises N-(2,6-diisopropylphenylcarbamoymethyl) iminodiacetic acid. Support for this amendment is identical to that recited for claim 5.

Claim 32 has been amended to recite that each of the multiple linked individual units comprises a bridging component selected from the group consisting of a transition element, an inner transition element, a neighbor element of said transition element and a mixture of any of the foregoing elements, and a complexing component comprising N-(2,6-diisopropylphenylcarbamoymethyl) iminodiacetic acid. Support for this amendment is identical to the support recited for claim 5.

No new matter has been added by way of any of these amendments.

Remarks

The present application was originally filed on May 18, 1999. The present amendments to the claims are made in response to the Office Action dated May 4, 2006.

Applicant respectfully requests the Examiner's consideration of the amended claims.

Rejection of claims 5, 7-28, 30 and 32-36 pursuant to 35 U.S.C. § 102(b) as being anticipated by Geho (WO 88/00474 and US 4,603,044)

The Examiner has rejected claims 5, 7-28, 30 and 32-36 under 35 U.S.C. § 102(b) as being anticipated by Geho (WO 88/00474 and US 4,603,044). In light of the amendments to the claims, Applicants respectfully traverse this rejection. The Examiner states that the diagram spanning columns 5 and 6 of US 4,603,044 clearly shows two linked units, with the units being linked by a bridging chromium atom. The Examiner opines that the two linked units of US 4,603,044 read on "multiple linked units" of the instant claims.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The claims as amended in the present application are not anticipated by WO 88/00474 or US 4,603,044, in that they recite that the water insoluble target molecule complex comprises

multiple linked individual units, wherein each of the individual units comprises a bridging component and a complexing component. These elements are not disclosed in either WO 88/00474 or US 4,603,044. Rather WO 88/00474 and US 4,603,044 each teach a water soluble complex and disclose an individual unit structure, not multiple linked units, as recited in the present claims. Furthermore, as noted, the complex disclosed in WO 88/00474 and US 4,603,044 is water soluble, whereas the complex of the present invention is water insoluble. Therefore independent claims 5, 18, 22 and 32 and dependent claims therefrom are not anticipated by either WO 88/00474 and US 4,603,044.

Applicants respectfully request reevaluation and withdrawal of the rejection of claims 5, 7-11, 13, 15-18, 20-28 and 32-36 under 35 U.S.C. § 102(b) as being anticipated by WO 88/00474 and US 4,603,044.

Rejection of claims 5, 13, 22, 24, 32 and 33 pursuant to 35 U.S.C. § 102(b) as being anticipated by Bosworth (US 5,407,660)

The Examiner has rejected claims 5, 13, 22, 24, 32 and 33 under 35 U.S.C. § 102(b) as being anticipated by Bosworth (US 5,407,660). In light of the amendments to the claims, Applicants respectfully traverse this rejection. The Examiner opines that Bosworth discloses compounds that are water-insoluble and notes as an example column 5, lines 25-28, where the liposomes of Bosworth become suspended in an aqueous solution. However, the metal chelates disclosed in Bosworth are not water insoluble, rather they are water soluble. The compound cited by the Examiner in Example 1(C) and (D), disodium (diethylenetriaminepentaacetato) gadolinium (III), is highly water soluble as evidenced by the formation of a 10 and 20% aqueous solutions. Other metal chelates disclosed in the Examples are also water soluble. Additionally, column 3, line 23 of US 5,407,660, indicates that the compounds are water-soluble chelates of paramagnetic elements.

The Examiner further opines that there is no limitation in the claims of the present application that requires that the compounds be water insoluble. The claims as amended in the present application are not anticipated by US 5,407,660 in that they recite a water insoluble target molecule complex.

Further, the Examiner opines that the compounds disclosed by Bosworth inherently comprise multiple units linked by a metal bridge (gadolinium). The compounds disclosed by

Bosworth form individual units of metal chelates. Bosworth does not disclose a complex comprising multiple linked units, where each of the individual units comprise a bridging component and a complexing component. Independent claims 5, 22, and 32 of the present application recite that the complex is comprised of multiple linked individual units, where each of the individual units comprise a bridging component and a complexing component. Therefore independent claims 5, 22 and 32 and dependent claims therefrom are not anticipated by US 5,407,660.

Applicants respectfully request reevaluation and withdrawal of the rejection of claims 5, 13, 22, 24, 32 and 33 under 35 U.S.C. § 102(b) as being anticipated by US 5,407,660.

Rejection of claims 5, 13, 15, 18, 22, 24 and 32-35 pursuant to 35 U.S.C. § 102(b) as being anticipated by Baldeschwieler (US 4,310,506)

The Examiner has rejected claims 5, 13, 15, 18, 22, 24 and 32-35 under 35 U.S.C. § 102(b) as being anticipated by Baldeschwieler (US 4,310,506). In light of the amendments to the claims, Applicants respectfully traverse this rejection. The Examiner opines that the complexes disclosed by Baldeschwieler inherently comprise two linked chelating units (NTA), wherein the units are linked by a bridging unit (cobalt).

The claims as amended in the present application are not anticipated by US 4,310,506 in that they recite that the water insoluble target molecule complex is comprised of multiple linked individual units, where each of the individual units comprise a bridging component and a complexing component. Baldeschwieler does not disclose a complex comprising multiple linked units, where each of the individual units comprise a bridging component and a complexing component. Baldeschwieler discloses a metal with ligands from a chelating agent, such as NTA, surrounding the metal. These compounds form a single unit, not multiple linked units, where each of the individual units are comprised of a bridging component and a complexing component, as required by Applicants' invention. Independent claims 5, 18, 22, and 32 of the present application recite that the water insoluble target molecule complex is comprised of multiple linked individual units, where each of the individual units comprise a bridging component and a complexing component, these claims and dependent claims therefrom are not anticipated by US 4,310,506.

Applicants respectfully request reevaluation and withdrawal of the rejection of claims 5, 13, 15, 18, 22, 24 and 32-35 under 35 U.S.C. § 102(b) as being anticipated by US 4,310,506.

SUMMARY and CONCLUSION

The foregoing amendments and remarks overcome or render moot all grounds for rejection put forth by the Examiner. There being no other rejections, this application should be in condition for allowance. Applicants therefore respectfully request prompt action and allowance of the claims.



Respectfully Submitted,

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